

1 ROBBINS UMEDA LLP
2 BRIAN J. ROBBINS (190264)
3 brobbins@robbinsumeda.com
4 KEVIN A. SEELY (199982)
5 kseely@robbinsumeda.com
6 CHRISTOPHER L. WALTERS (205510)
7 cwalters@robbinsumeda.com
8 600 B Street, Suite 1900
9 San Diego, CA 92101
10 Telephone: (619) 525-3990
11 Facsimile: (619) 525-3991

7 || Attorneys for Plaintiff Scott Ozaki

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

11 SCOTT OZAKI, Derivatively on Behalf of) Case No. C 11-04493-RS
12 ORACLE CORPORATION,)
13 Plaintiff,)
14 v.)
15 LAWRENCE J. ELLISON, SAFRA A. CATZ,)
16 JEFFREY O. HENLEY, MICHAEL J. BOSKIN,)
17 H. RAYMOND BINGHAM, DONALD L.)
18 LUCAS, JEFFREY S. BERG, BRUCE R.)
19 CHIZEN, HECTOR GARCIA-MOLINA, NAOMI)
20 O. SELIGMAN, and GEORGE H. CONRADES,)
21)
Defendants,)
-and-)
ORACLE CORPORATION, a Delaware)
corporation,)
Nominal Defendant.)

28 STIPULATION AND [PROPOSED] ORDER TO STAY ACTION, SET DEADLINE FOR PLAINTIFF TO
DESIGNATE OR FILE OPERATIVE COMPLAINT, AND SET BRIEFING SCHEDULE ON RESPONSIVE
MOTIONS; Case No. C 11-04493-RS

1 WHEREAS, on September 8, 2011, Plaintiff Scott Ozaki ("Plaintiff") commenced the
2 above-captioned derivative action in the United States District Court for the Northern District of
3 California by filing a complaint derivatively on behalf of the Oracle Corporation ("Oracle" or the
4 "Company") against certain of its current and former officers and directors (collectively with
5 nominal defendant Oracle, "Defendants") alleging breaches of fiduciary duties, waste of
6 corporate assets, and unjust enrichment (the "Demand Refused Action");

7 WHEREAS, all Defendants in the Demand Refused Action have been served with the
8 summons and complaint. The deadline for the personally-served defendants to respond to the
9 complaint in the Demand Refused Action is October 03, 2011, the deadline for Oracle to respond
10 is October 4, 2011, and the deadline for the defendants who waived service through counsel to
11 respond is November 14, 2011;

12 WHEREAS, a related consolidated derivative action styled *In re Oracle Corporation*
13 *Derivative Litigation*, Master File No. C-10-03392-RS, arising out of similar events and
14 involving some of the same defendants, is currently pending before this Court (the "Demand
15 Futility Action");

16 WHEREAS, on September 21, 2011, this Court issued an order relating, but not
17 consolidating, the Demand Refused and Demand Futility Actions (the "Order");

18 WHEREAS, pursuant to the Order, the Demand Refused Action was reassigned to this
19 Court, and the Court scheduled an initial case management conference in the Demand Refused
20 Action for December 8, 2011;

21 WHEREAS, given the unique circumstances of this case, the parties have been discussing
22 the benefits of conducting further discussions regarding the claims alleged and defenses thereto,
23 and, in the interest of efficiency and economy, the parties request a temporary stay of this action.
24 The parties will continue to be mindful to use their best efforts to coordinate any activity in the
25 Demand Futility Action with this Demand Refused Action, to the extent appropriate;

26 IT IS HEREBY STIPULATED AND AGREED, between Plaintiff and Defendants, by
27 and through their undersigned counsel, subject to the Court's approval:

28

- 1 -

STIPULATION AND [PROPOSED] ORDER TO STAY ACTION, SET DEADLINE FOR PLAINTIFF TO
DESIGNATE OR FILE OPERATIVE COMPLAINT, AND SET BRIEFING SCHEDULE ON RESPONSIVE
MOTIONS; Case No. C 11-04493-RS

1 1. The Demand Refused Action, including all proceedings and deadlines, shall be
2 stayed for at least 60 days from the entry of an order on this stipulation.

3 2. The parties agree that no response by any defendant to the complaint shall be
4 required pending entry by the Court of the proposed order granting the stay of this action.

5 3. After 60 days have passed following the entry of an order on this stipulation,
6 Plaintiff may provide written notice at any time to Defendants of his intention to proceed with
7 this action.

8 4. Following written notice of Plaintiff's intention to proceed with the action, unless
9 the parties agree otherwise and appropriately provide notice to the Court, Plaintiff shall have 30
10 days to either amend his complaint or give notice to Defendants that the original complaint shall
11 remain the operative complaint. Defendants shall respond to the complaint within 45 days after
12 service of an amended complaint or notice regarding the operative complaint. In the event that
13 Defendants file any motion directed at the amended or operative complaint, Plaintiff's opposition
14 shall be filed within 45 days of any such motion, and any reply brief shall be filed within 21 days
15 of the opposition.

16 5. As long as this action is stayed, the parties will file with the Court a brief update
17 of the status of this action, at least every 90 days.

18 | Dated: October 4, 2011

Respectfully submitted,

ROBBINS UMEDA LLP
BRIAN J. ROBBINS
KEVIN A. SEELY
CHRISTOPHER L. WALTERS

s/Kevin A. Seely

KEVIN A. SEELY

600 B Street, Suite 1900

San Diego, CA 921

Telephone: (619) 525-3990

Facsimile: (619) 525-3991

Attorneys for Plaintiff Scott Ozaki

1 *I, Kevin A. Seely, am the ECF user whose ID and password are being used to file this*
2 *STIPULATION AND [PROPOSED] ORDER TO STAY ACTION, SET DEADLINE FOR*
3 *PLAINTIFF TO DESIGNATE OR FILE OPERATIVE COMPLAINT, AND SET BRIEFING*
4 *SCHEDULE ON RESPONSIVE MOTIONS. In compliance with General Order 45, X.B., I*
5 *hereby attest that Philip T. Besirof has concurred in this filing.*

6 Dated: October 4 , 2011

MORRISON & FOERSTER LLP
PHILIP T. BESIROF

6 s/Philip T. Besirof
7 _____
8 PHILIP T. BESIROF

9 425 Market Street
10 San Francisco, CA 94105
11 Telephone: (415) 268-7000
12 Facsimile: (415) 268-7522

13 10 Attorneys for defendants Lawrence J. Ellison,
14 Safra A. Catz, Jeffrey O. Henley, Michael J.
15 Boskin, H. Raymond Bingham, Donald L.
16 Lucas, Jeffrey S. Berg, Bruce R. Chizen,
17 Hector Garcia-Molina, Naomi O. Seligman,
18 George H. Conrades, and Oracle Corporation

19 * * * ORDER * * *

20 PURSUANT TO STIPULATION, IT IS SO ORDERED.

21 10/4/11 _____
22 DATED

23 
24 HONORABLE RICHARD SEEBOORG
25 U.S. DISTRICT JUDGE

26 657312